

Remarks & Arguments

Claims 1, 10, and 16 are amended and claims 1-20 remain pending in the subject application. The Specification is amended pursuant to the requests set forth in the Office Action to correct informalities. FIG. 2 is amended to correct an inadvertent typographical error. A replacement sheet for FIG. 2 is submitted herewith. No new matter is added by the amendments to the claims, Specification, and drawings. Reconsideration is respectfully requested in light of the foregoing amendments and the following remarks.

Claim Objections

At page 3 of this Office Action, claims 4, 6, 17, and 20 are objected for informalities. Applicants are unaware of the language asserted in the objections to exist in claims 4, 6, 17, and 20 of the subject application. Perhaps the Office Action refers to the similar-numbered claims in related U.S. Patent Application 09/817,388.

CLAIM REJECTION UNDER 35 USC § 112

At page 4 of this Office Action, claim 19 is rejected as being indefinite. Applicants submit that, in one exemplary embodiment, the term "internet protocol coupling" refers to an internet protocol based interface. For example, "[h]ardware 310 includes a processor 311 interconnected with memory 312 and internet protocol based interface 313 (see Specification, page 12, lines 27-33)." Applicants submit that claim 19 is clearly defined and support exists for the term "internet protocol coupling" recited therein.

Appl. No. 09/819,020

Amdt. Dated Feb. 1, 2005

Reply to Office action of Nov. 1, 2004

CLAIM REJECTIONS UNDER 35 USC § 103

At page 4, claims 1, 2, 10, 16, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holden (U.S. Pat. No. 6,771,639) in view of Caugherty (U.S. Pat. No. 6,597,702). Applicants respectfully traverse this rejection.

Amended independent claim 1 recites a step of "negotiating by the plurality of user terminals a common bearer format among the plurality of user terminals via SIP", amended independent claim 10 recites a step of "negotiating by the user terminal and the plurality of user terminals a common bearer format among the user terminal and the plurality of user terminals via SIP", and amended independent claim 16 recites "means for negotiating a common bearer format among the plurality of user terminals via SIP, said means for negotiating coupled to at least one of said plurality of said user terminals". Applicants submit that the cited references do not disclose the aforementioned negotiating elements recited in amended independent claims 1, 10, and 16.

Holden discloses a method of establishing a call session in a data network that includes receiving an SIP based call request including announcement information (e.g., identification information of the calling entity). However, Holden does not disclose negotiating a common bearer format (e.g., CODEC) among a plurality of user terminals via SIP. At best Holden mentions SIP "Invite requests" that may contain announcement information (see Col. 6, line 54, through Col 7, line 24), but Holden is silent regarding negotiating a common bearer format using SIP.

Additionally, although Holden mentions Protocol H.323, Applicants submit that H.323 is substantially different from SIP. Protocol H.323 is an umbrella specification covering multimedia communication over packet-switched networks, whereas session initiated protocol

Appl. No. 09/819,020

Amdt. Dated Feb. 1, 2005

Reply to Office action of Nov. 1, 2004

(SIP) is a protocol primarily focused on internet protocol (IP) telephony. Protocol H.323 is a binary-based protocol using abstract syntax notation one (ASN.1), whereas SIP is largely a text-based protocol relying on session description protocol (SDP) that bears many similarities with hypertext transfer protocol (HTTP). Although protocol H.323 and SIP are related to multimedia sessions over the Internet from a functionality and services standpoint, the protocols are significantly different from one another in substance and in operation such as in carrying out a call setup function.

Caugherty discloses a communications system for fast call setups that encodes a flag in a fast call setup message sent from a calling endpoint to a called endpoint through a packet switched network based on H.323. The flag indicates whether the calling endpoint supports asymmetric channel capabilities. Although Caugherty discloses that the called endpoint chooses a codec for the send and receive directions, Caugherty does not explicitly disclose negotiation of a common bearer format among a plurality of user terminals via SIP. Applicants submit that although Caugherty discloses protocol H.323, Caugherty does not disclose SIP as supported by the foregoing discussion regarding the differences between protocol H.323 and SIP.

Additionally, Applicants submit that there is no motivation to combine Caugherty with Holden because Caugherty primarily sets forth a communication system based on protocol H.323 whereas Holden primarily sets forth a communication system based on SIP. Modifying Caugherty to apply SIP thereto is not warranted because protocol H.323 already provides a standard for multimedia sessions and because acquiring additional protocols (e.g., session description protocol) wholly separate from protocol H.323 would be necessary to implement SIP. Likewise, although Holden mentions that protocol H.323 may be used as an alternate

Appl. No. 09/819,020

Amdt. Dated Feb. 1, 2005

Reply to Office action of Nov. 1, 2004

standard for interactive, real-time voice or multimedia communications, modifying Holden to apply H.323 would require different protocols. Furthermore, even if Holden were hypothetically combined with Caugherty, the combination does not disclose negotiating a common bearer format via SIP. Holden and Caugherty, either alone or in combination, do not disclose the negotiating elements detailed in amended independent claims 1, 10, and 16.

Because Holden and Caugherty do not disclose all of the elements of amended independent claims 1, 10, and 16, Applicants submit that amended independent claims 1, 10, and 16 are patentably distinguished from Holden and Caugherty, either alone or in combination. Because of the foregoing discussion regarding the patentability of amended independent claims 1, 10, and 16 and because claims 2-9, 11-15, and 17-20 depend from one of amended independent claims 1, 10, and 16 or an intermediate claim depending therefrom, Applicants submit claims 2-9, 11-15, and 17-20 are likewise patentably distinguished from Holden and Caugherty.

At page 6 of this Office Action, claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holden and Caugherty as applied to claims 1, 2, 10, 16, 19, and 20, and further in view of Dorenbosch (U.S. Pat. No. 6,697,614). Dorenbosch is cited for disclosing mobile hand sets. Because of the aforementioned discussion regarding the patentability of amended independent claims 1, 10, and 16, and because claims 17 and 18 depend from amended claim 16, Applicants submit that claims 17 and 18 are likewise patentably distinguished from the cited references. Additionally, Applicants submit that there is no motivation to combine Dorenbosch with Holden or Caugherty because Dorenbosch is silent regarding a standard for voice or multimedia communication (e.g., H.323 or SIP).

Appl. No. 09/819,020

Amdt. Dated Feb. 1, 2005

Reply to Office action of Nov. 1, 2004

ALLOWABLE SUBJECT MATTER

At page 7 of this Office Action, claims 3-9 and 11-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the foregoing discussion regarding the patentability of amended independent claims 1 and 10, Applicants submit that claims 3-9 and 11-15 are likewise patentable over the cited references, but Applicants reserve the right to rewrite claims 3-9 and 11-15 in independent form including all of the limitations of the base claim and any intervening claims.

CONCLUSION

In view of Applicants' amendments and remarks, it is respectfully submitted that the rejections under 35 USC §§ 112 and 103 have been overcome. Accordingly, Applicants respectfully submit that the application, as amended, is now in condition for allowance, and such allowance is therefore earnestly requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the Applicants' attorneys at 480-385-5060.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for any extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2117 for any fee which may be due.

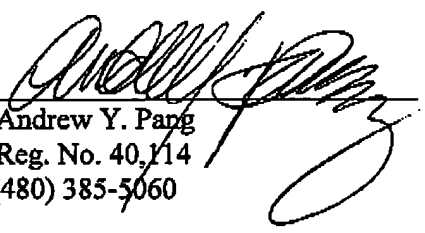
• Appl. No. 09/819,020
Amdt. Dated Feb. 1, 2005
Reply to Office action of Nov. 1, 2004

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: February 1, 2005

By:


Andrew Y. Pang
Reg. No. 40,114
(480) 385-5060

Attachment